REMARKS

Claims 2 and 20

Claim 2 has been amended to add "at position 150 of SEQ ID NO : 1" to the end of the claim. Claims 3 to 7 depend from claim. In the Advisory Action dated July 13, 2010 the Examiner noted that this amendment, which was filed on June 28, 2010, would remove the objection to these claims under 35 USC §112, second paragraph.

The Applicant has amended claim 20 to add the element: "wherein the C/C or C/T genotype is associated with increased rib-eye area as compared to the T/T genotype". In the Advisory Action dated July 13, 2010, the Examiner noted that this amendment, which was filed on June 28, 2010, would remove the objection to these claims under 35 USC §102(b).

Claims 1 to 9

In the Advisory Action dated July 13, 2010, the Examiner indicated that in view the arguments made by the applicant and filed on March 31, 2010, claims 1 to 9 would still be objected to the basis that the claims were not enabled, as required by 35 USC §112, first paragraph. The Examiner stated that claims 1 to 9 were still objectionable on the basis that the claims are directed to determining whether a T/C polymorphism is present in one allele of position 150 of SEQ ID NO: 1, rather than to determining whether the animals have a C/C, C/T, or T/T genotype. The Advisory Action of July 13, 2010 stated that if a skilled artisan were to detect the T allele at position 150, the animal would not have increased rib-eye area, because the phenotype of increased rib-eye area is associated with the C/C or C/T genotype, not with the T allele *per se*.

Claim 1 has been amended to clarify the nature of the invention claimed.

The Applicant traverses the Examiner's objection and submits that claim 1 is enabled. Claim 1 as amended recites that the presence of the C-allele in the animal is associated

with the phenotype of increased rib-eye area as compared to an animal with a T-allele at that position. If a C-allele is detected at position 150 of SEQ ID. NO:1, an animal will have increased rib-eye area as compared to an animal with a T-allele at that position. Conversely, if a T-allele is detected at position 150 of SEQ ID. NO:1, then the animal will have decreased rib-eye area as compared to an animal with a C-allele at that position. *As compared to* an animal with a T-allele, meaning that all other things are equal (i.e., the animals have the same allele in the other copy of the IGF gene), the animal with a C-allele will have increased rib-eye area.

The applicant notes that claim 1, in similar form (i.e., directed to detection of the polymorphism), has issued in corresponding patents in Europe (EP 1660675) and in Australia (AU 2004257309).

Claim 11

In the Advisory Action dated July 13, 2010, the Examiner indicated that in view the arguments made by the applicant and filed on March 31, 2010, claim 11 would still be objected to as not meeting the requirements of 35 USC §102(b), on the basis that (a) the claims are not limited to requiring that the T-allele is detected and (b) that the sorting of the animals does not require the detection of a T-allele. The Applicant repeats the arguments made in the March 31 paper, and adds the following arguments.

To expedite prosecution, claim 11 has been amended to recite that the sorting step requires the sorting of animals according to whether they have a T-allele, i.e., sorting animals with the T/C genotype and/or T/T genotype. This is not taught or suggested by Byatt et al.

The Applicant also traverses objection (b). To "sort" means to arrange or order items by classes or categories, in this case, animals by genotype. In order to sort animals by genotype, knowledge that there is more than one genotype is required, for if only one genotype is known, there is nothing to sort. Since Byatt et al. teaches only one

genotype, it does not teach the sorting of animals into groups according to genotype, as is claimed.

The Examiner has suggested in the Advisory action of June 7, 2010, that because Byatt et al. teaches incomplete hybridization, that Byatt et al. teaches the sorting of animals between those that have the C-allele at position 150 and those that do not. The teaching of the use of incomplete hybridization does not teach a person of skill which of the nucleotide(s) in the sequence being analyzed are different, as any nucleotide(s) in the sequence could be different. Since Byatt et al. does not teach that there is a polymorphism at position 150 of SEQ ID NO: 1, it does not teach sorting of animals according to their genotype at this position, as is claimed.

In view of the foregoing, the Applicant submits that the Application is in condition for allowance, and requests that the Examiner withdraw the rejections against claims 1 to 9, 11, 20 and 21.

Respectfully submitted,
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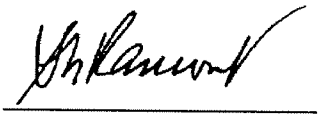
By 

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